SBCivil Writ Petition No.5301/2006

Rajasthan Financial Corporation, Bhilwara
Vs.
Labour Court, Bhilwara & Anr.

Date of Order :: 3rd October, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Rajesh Joshi, for the petitioner.

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By this petition for writ a challenge is given to the order dated 26.8.2004 passed by learned Labour Court, Bhilwara exercising powers under Section 33-C (2) of the Industrial Disputes Act, 1947 (hereinafter referred to as “the Act of 1947”).

In brief, facts of the case are that by an award dated 20.6.2001 the Labour Court, Bhilwara directed the present petitioner to reinstate the respondent workman with back wages in a tune of 50% of its total. The employer being aggrieved by award dated 20.6.2001 preferred a writ petition before this Court that came to be rejected on 29.3.2004. On rejection of writ petition the employer made a payment of a sum of Rs.39,325/- but no complete payment of back wages in the terms of award dated 20.6.2001 was made. For getting the amount aforesaid the petitioner preferred an application under Section 33-C(2) of the Act of 1947 that was accepted by the judgment impugned.

The contention of counsel for the petitioner while giving challenge to the order impugned is that the Labour Court was having no authority to determine the amount due. I found no force in the contention so raised as the petitioner is admittedly entitled for getting 50% of total back wages in pursuant to the award dated 20.6.2001. The Labour Court by the award impugned made an order to make the remaining payment of back wages and as such an order is made for making payment of the amount already determined. The entitlement of the petitioner for the amount due is also not disputed.

Accordingly, this petition for writ fails and, therefore, the same is dismissed.

(GOVIND MATHUR),J.

kkm/ps.